

REMARKS/ARGUMENTS

Claims 1-40 are pending in the application. Claims 1, 11, 20, 28, and 39 have been amended. Claims 4, 5, 10, 19, 27, 37, 38, and 40 have been allowed. Claims 34-36 are canceled. An RCE and the appropriate RCE fee are included herewith. In view of the foregoing amendments, as well as the following remarks, the Applicant respectfully submits that this application is in complete condition for allowance and requests reconsideration of the application.

The Applicant has amended claims 1, 20, 28, and 29 to recite that the coupler is adapted to be *attached* to, or is attached to, the acoustic radiator, rather than operatively connected to it. Support for such amendment is provided in Applicant's specification at ¶ 21 and the Figures.

The Examiner objected to claim 11 because of the need for consistency with the antecedent basis for the acoustic radiator in claim 1. An amendment was made as directed by the Examiner.

Claim 39 is amended to correct a typographical error.

Claim Rejections - 35 USC § 102

Claims 1, 11 and 34 were rejected under 35 U.S.C. 102(b) as being anticipated by An (U.S. patent 6,466,682). Claim 34 is canceled. The Examiner contends that An shows or teaches all the features of the rejected claims. In light of amendments made to claim 1, among other things, the Applicant respectfully traverses the Examiner's contention.

As noted in discussions with the Examiner, which took place on June 27 and 28, 2007, and which the Applicant greatly appreciates, the coupler identified by the Examiner in An is not attached to the An vibrating plate 11. Accordingly, An does not include each and every element of the applicable of Applicant's claim 1 and the claims that depend therefrom, as well as other

claims that require such attachment. The Applicant appreciates the Examiner's consideration and understands that these amendments overcome the previously cited art.

Specifically, independent claim 1, as amended, recites a coupler "adapted to be attached to the acoustic radiator." In contrast to amended claim 1, the coupler of An, as identified by the Examiner (An magneto-rheological fluid 21, 41), is linked only indirectly to the acoustic radiator (An vibrating plate 11, 31) through the parts the examiner identifies as the transducer, as opposed to being attached to the acoustic radiator.

In order for a reference to anticipate a claimed invention, the reference must teach each and every element in the precise arrangement set forth in the claim. If the reference fails to teach even one of the claimed features, the reference does not and cannot anticipate the claimed invention. Based upon at least the structural deficiencies of the disclosure in An identified in the preceding remarks, Applicant respectfully requests that the rejection be withdrawn. Nor does the An reference render amended claim 1 obvious because, among other reasons, An does not teach or disclose all of the elements of amended claim 1. See MPEP 2142.03. Further, An does not suggest the desirability of the claimed invention. See MPEP 2143.01(I).

Because claim 11 depends from claim 1, the Applicant submits that these claims are also patentable for at least the same reasons as claim 1.

Claim Rejections - 35 USC § 103

Claims 2-3, 6, 8, 12, 18, 21-23, 26, 28-33 and 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over An (U.S. patent 6,466,682) in view of Murray (U.S. patent 6,434,237). Claims 35 and 36 are canceled.

Amended independent claims 28 and 29 recite a relationship of attachment between the coupler and acoustic radiator of Applicant's invention. For the same reasons claim 1 is

patentable, claims 28 and 29 are patentable. At minimum, An and Murray do not render amended claims 28 and 29 obvious because, among other reasons, An in view of Murray does not teach or disclose all of the elements of these amended claims. *See* MPEP 2142.03. Further, An in view of Murray does not suggest the desirability of the claimed invention. *See* MPEP 2143.01(I).

Because claims 2-3, 6, 8, 12, and 18 depend either directly or indirectly from claim 1, the Applicant submits that these claims are also patentable for at least the same reasons as claim 1. Because claims 21-23 and 26 depend either directly or indirectly from claim 20, the Applicant submits that these claims are also patentable for at least the same reasons as claim 20 (discussed below). Because claims 30-33 depend from either directly or indirectly from claim 29, the Applicant submits that these claims are also patentable for at least the same reasons as claim 29. Furthermore, all of such dependent claims 2-3, 6, 8, 12, 18, 21-23, 26, and 30-33 recite unique combinations of elements not disclosed or suggested by An in view of Murray.

Claims 7, 9, 13-17, 20, 24-25 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over An (U.S. patent 6,466,682).

Amended independent claim 20 recites a relationship of attachment between the coupler and acoustic radiator of Applicant's invention. For the same reasons claim 1 is patentable, claim 20 is patentable. At minimum, An does not render amended claim 20 obvious because, among other reasons, An does not teach or disclose all of the elements of this amended claims. *See* MPEP 2142.03. Further, An does not suggest the desirability of the claimed invention. *See* MPEP 2143.01(I).

Because claims 7, 9, and 13-17 depend either directly or indirectly from claim 1, the Applicant submits that these claims are also patentable for at least the same reasons as claim 1.

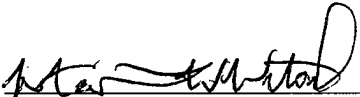
Because claims 24 and 25 depend from claim 20, the Applicant submits that these claims are also patentable for at least the same reasons as claim 20 (discussed below). Because amended claim 39 depend from either directly or indirectly from allowed claim 37, the Applicant submits that these claims are also patentable for at least the same reasons as claim 37. Furthermore, all of such dependent claims 7, 9, 13-17, 24-25 and 39 recite unique combinations of elements not disclosed or suggested by An.

In view of the foregoing amendments and remarks, the Applicant respectfully submits that this application is in complete condition for allowance and, accordingly, a timely notice of allowance to this effect is earnestly solicited. If the Examiner has any questions about the present amendment, a telephone interview is requested.

Respectfully submitted,

Matthew J. Murray
(Applicant)

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By: 
Matthew W. Witsil
Registration No. 47,183
Moore & Van Allen PLLC
430 Davis Drive, Suite 500
P.O. Box 13706
Research Triangle Park, NC 27709
Telephone: (919) 286-8000
Facsimile: (919) 286-8199